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The Edinburgh Legal History Blog

Bicentenary of Waverley

Posted on [December 1, 2014](#) by [John Cairns](#)

200 years ago, Walter Scott, Edinburgh alumnus in arts and law, advocate, and Clerk of Session, published *Waverley*, and created a sensation. The quotation from Jane Austen is famous: “Walter Scott has no business to write novels, especially good ones ... I do not like him, and do not mean to like *Waverley* if I can help it – but I fear I must.” She was one of the many acute readers who recognized the author behind the original anonymous publication.

While Scott’s critical reputation has varied over the years, *Waverley* has been consistently recognized as one of his greatest novels. Its structure is followed by many of the later novels – a rather naïve young man goes on a journey, dealing conflicts and troubles, through which he learns and ultimately survives. Of course, this is a structure typical of many novels, not just those of Scott! In this novel, Edward Waverley, a young Englishman, manages to participate on both sides in the Jacobite Rebellion of 1745-46. Though condemned for treason, he receives a pardon, and eventually marries a good Scotswoman.

(Your blogger had always believed that Karl Llewellyn had fought on both sides in the First World War; according to Wikipedia, however, he had fought with the 78th Prussian Infantry, reaching the rank of Sergeant, and being awarded the Iron Cross. Wounded at Ypres, he was not allowed to join the German army proper, and was later NOT allowed to join the US army, as he had fought with the German! So his career was reminiscent of but not identical to that Edward Waverley.)

One of the characters whom Edward meets is Cosmo Comyne Bradwardine, Baron of Bradwardine and Tully-Veolan. He is a familiar type of Scottish figure. He had been educated in law, but had not practised, because of his non-juring Episcopalian sympathies; but he had fought abroad. A romantically minded-man, he has participated in the 1715 Rebellion. Given Scott’s training, legal references abound: courts, judges, law books feudal charters, entails, the law on treason – all are mentioned and sometimes even discussed. Indeed, Scott has been seen as providing a critique of the law of treason.

Of course, the novel is about the Union of 1707 and its consequences. Scott offers a detailed and nuanced account of politics in eighteenth-century Britain, one that demonstrates his typically wide knowledge and sympathetic understanding of history. The Highland Jacobites are treated sympathetically; but their Romantic allure is also seen to be dangerous; Scott does not flinch at describing the horrors of Culloden and the aftermath of the Rebellion. But it is a novel in which conflicts are resolved, a novel which regrets aspects of the past but which looks forward. It is perhaps, along with the same author’s *Redgauntlet*, one of the most important novels about the Union of 1707.

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